

The regular monthly Town Board Meeting, of the Town of Yorkshire, for the month of July, was held on July 17, 2017, at the Town Hall, 82 South Main Street, Delevan, NY.

Supervisor Spencer called the meeting to order at 7:00pm with the Pledge to the Flag of the U.S.A.

Roll Call:

Marcia Spencer, Supervisor, Present  
Constance Walker, Council Member, Absent, (arrived 7:02 p.m.)  
Kenneth Fisher, Council Member, Present  
Tammy George, Deputy Supv & Council Member, Absent  
Teresa Hewitt, Council Member, Present

Other Town Official present were Fred Clark, Town Clerk; Larry Groves, Water Commissioner; Joe King, Constable; DEC Representative Dave Paradowski, many residents that reside in and around Alpine Heights, so hear what DEC input is regarding Kingbrook purchase  
Also in attendance was Laney Hill from the Arcade Herald

On a Motion of Coun Fisher, seconded by Coun Hewitt, it was moved to dispense with the reading of the minutes of the June 19, 2017 Town Board Meeting. Carried unanimously.

**RESOLUTION #66-17**

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, to approve the draft minutes of the June 19, 2017 Regular Monthly Town Board Meeting as printed / modified.

Spencer, Aye; Fisher, Aye; George, Absent; Hewitt, Aye; Walker, Aye.  
Ayes 4 – Absent -1 Nays 0 - Adopted

Petitions:

"NONE"

Communications:

Public Service communication on rate increases for National Fuel received

Clerk Clark has received confirmation from County Youth Bureau that grant application for \$4,000 for Town of Yorkshire Youth Recreation 2017 has been approved. Awaiting contract / documentation in mail.

Supv Spencer reviewed information from County Health Dept on notice of one dog bite. Unlicensed dog, Rabies Cert valid, believes dog left property in incident

Supervisor Spencer indicated she had a letter from NYS Dept of State Office of Communities and Waterfronts to support grant application. She requested authorization to sign. This is part of the process to access the feasibility of Sewer District. Supv Spencer also indicated the Legislator Helmich had voiced support of the idea and there might be money available. Note R#67-17

Proof of Notice being furnished by the Town Clerk that publication of the Public Hearing for the updating of Local Law 1-2014, Regulating Peddling/Vending and Soliciting in the Town of Yorkshire” was in the Legal Notices of the July 6, 2017 issue of the Arcade Herald, and that the Public Hearing Notice was posted on the Town Clerks Sign Board, the Public Hearing was called to order at 7:15 pm by Supv Spencer. No one except the names listed above attended the Public Hearing. Supv Spencer terminated the Public Hearing at 8:02 pm  
(\*Note R #68-17).

**RESOLUTION #67-17**

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, Supervisor Spencer to sign letter of support for Grant application with NYS Dept of State, Office of Communities and Waterfronts.

Spencer, Aye; Fisher, Aye; George, Absent; Hewitt, Aye; Walker, Aye.  
Ayes 4 – Absent -1 Nays 0 - Adopted

**RESOLUTION #68-17**

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, following the Public Hearing conclusion July 17 at 8:02 p.m. to approve and adopt the updating of Local Law 1-2014, Regulating Peddling/Vending and Soliciting in the Town of Yorkshire

Spencer, Aye; Fisher, Aye; George, Absent; Hewitt, Aye; Walker, Aye.  
Ayes 4 – Absent -1 Nays 0 - Adopted

Committee Reports:

None

Financial Reports:

Supv Spencer presented her Supervisor's Monthly Report for June 2017 & the budget report for the month of May 2017, as prepared by Diane R Finch, CPA, to the Town Board for review, and filed the reports with the Town Clerk (\*Note R #69-17).

**RESOLUTION #69-17**

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that Supervisor Spencer's Monthly Report for June 2017 is accepted as submitted (& the report is inserted into the minutes).

Spencer, Aye; Fisher, Aye; George, Absent; Hewitt, Aye; Walker, Aye.  
Ayes 4 – Absent -1 Nays 0 - Adopted

Town Clerk Clark presented his Monthly Financial Report for June 2017, in the amount of \$1,755.11, to the Town Board for review.

Monthly Financials from Town Justices were received and on file with Town Clerk. Justice Guertin in the amount of \$5,113.00 and Justice Tomes in the amount of \$6,301.00

Privilege of the Floor/Residents Comments/Concerns/Questions:

DEC representative Dave Paradowski displayed a map of the outline of the Kingbrook approx. 1200-acre parcel that the DEC State Forestry is considering pursuing for purchase. Mr. Paradowski outlined key point with relation to the proposed acquisition and its use for the public access that would include trails (supported by volunteer groups), fishing, trapping, bird watching. He also stated that once owned by State, they do not sell it.

Process is funded by a state fund, priority is for Catt County Tributaries to protect ECO corridors from other lands. There are also grassland preservations which would be a part of this. He also understood there may be a bald eagle breeding nest in the area. Potential for logging would also be part of the potential use. Other alternatives to direct purchase is for a conservation easement, where owner retains rights to timber, but would also access. Forestry does pay taxes and gave examples of a few locations.

Coun Hewitt sought input to confirm that these were annual amounts, which they were.

Coun Walker inquired about if DEC would refrain from wind turbines in the proposed area, since board has resolution that restricts this. DEC responded that they would not have any intentions of this, but that they can go on private land and we could be effected for transmission lines, etc. DEC does a Unit Master Plan every 10 years.

Privilege of the Floor/Residents Comments/Concerns/Questions: Continued

DEC also indicated the process to acquire really has not even began yet, but is typical to get municipal support/guidance in advance.

Many residents spoke with regards to concerns;

--Many Alpine Heights property owners border the lake. How would people get down there. Access to this would effect change in privacy with homeowners.

--What does making this into a forestry area typically do with property values. DEC said that could be something their Real Property team might be able to provide insight to.

--There are restrictions on deed, with 99-year lease access to lake, before going to Kingbrook. How would DEC handle any obligations land owners feel they have. DEC indicated that any legal agreements, easements or the like would need to be understood and adhered to. Real Property would handle that, but if deed says, then we must comply. Will take a lot of research.

--Further restrictions on property include configuration of Septic Fields, types of buildings, livestock that must be considered

--Is it possible that you might exclude the lake area and a boundary surrounding it, from the acquisition, since DEC indicated they do not prefer to manage such things and a dike. DEC indicated that was a possibility. Acquisition can take years, so there is time.

--If lake is acquired, would you remove dike and drain the lake? DEC responded that was a possibility, they did something similar in Collins. DEC indicated they are more interested in the bulk of property, not defined by interest in lake.

--Residents for 25+ years, privacy was key point in moving there, if this happens and public access is given, then this changes. There are By-Laws in place for current owners, Schedule A that must be adhered to.

--Everything originally designed for private use.

--DEC again said maybe the lake should not be included then.

Coun Walker asked if DEC would maybe turn over lake to people if they purchased it, but DEC reiterated they do not see property, so this would ideally be something to consider in advance of acquisition.

--Resident adjacent to area for 40 years helped build the area, before Kingbrook, and not sure if Cornerstone has ownership, others say yes Cornerstone does.

Coun Walker inquired about Hunting, would it be allowed in Forestry area vs. the previous wildlife plan. DEC indicated yes, it is, unless certain areas preclude it (proximity to housing, structures, roads, etc.)

--Resident inquired to restrictions on types of vehicles. ATV, UTV, etc. DEC indicated no ATV or UTV, unless for maintenance purposes. Snowmobiles are used on trails, but that group must maintain the trails. Typically, don't have issues with them.

--Some residents gave input that it is the lake area they are concerned with; the remaining area is not of greater concern.

--Richard Helmich agreed to gather inputs from the surrounding residents, particularly Alpine Heights and provide them back to the Town Board for review in advance of any support given to DEC on this project

Supv Spencer reiterated several times that we want the feedback and the consensus of our residents to make an inclusive and sound assessment of the proposal from DEC.

Special Orders:

"NONE"

General Orders & Old Business:Report of Department Heads:

David Cummings - Dog Control

"No report"

Mary Gilbert/ZBA Secretary (Written report) -

(1) The Zoning Board of Appeals did not hold their regular monthly meeting on July 12th, 2017, as there was no new business before them.

Larry Groves/Water Commissioner -

1) Water Billing went out at first of month, no issues

2) Would like board agreement on doing a survey down W. Yorkshire Road, to corner of McKinstry and Savage, so gauge interest in expanding water service.

Note: board agreed that Larry Groves can proceed with survey

3) Larry indicated depending on interest, there might be grant money available.

Report of Department Heads: Continued

Christopher Lexer/Codes Enforcement & Zoning Officer – Written Report

- (1) Issued Eight Building Permits & Six Zoning Permits in June 2017 with fees totaling \$478.10. Report provided
- (2) Continuing to take phone calls regarding projects along with taking care of some complaints and following up on open permits. Also, have been continually doing fire and safety inspections as needed. As time allows still sorting out the 911 numbers.

Christopher Lexer/Hwy Supt – Report provided

This past month we have been mowing road sides along with finishing our hand patching of various roads. Our chip sealing is going to be done on Monday weather permitting. Eastland, Gulf, part of McKinstry and Pleasant Valley roads are the ones for this year.

The loader discussed last month is the one to purchase. After looking at others and trying this one we feel it is the best option for the tax payers. The state bid price is \$170,731.00 with a trade in of \$49,120.00, resulting in a net of maximum \$121,611.00. We are going to review option to put loader on auctions international to see if we can sell it for more vs. the proposed trade, which could lessen the overall maximum net price to Town. Request motion to approve spending of Gen Fund A917, Unassigned Fund Balance in the amount not to exceed, net of trade in or sell of current loader, \$121,611.00. Note R#70-17

**RESOLUTION #70-17**

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that authorization is given to utilize Gen Fund A917, Unassigned Fund Balance, for purchase of 2017 Model 721 Z Bar TF4 Loader from Monroe Tractor at a State Bid price of \$170,731.00. Expected trade in value or authorized auction listing approved, of current loader is \$49,120.00, resulting in a net cost not to exceed \$121,611.00

Increase account A9950.0 Interfund Transfer to Highway in the amount of \$121,611.00 to be funded by A917 Unappropriated fund Balance

Increase Account DA5130.2 Machinery - Equipment in the amount of \$121,611.00 to be funded DA 5031.0 interfund Transfer from General Fund

Spencer, Aye; Fisher, Aye; George, Absent; Hewitt, Aye; Walker, Aye.  
Ayes 4 – Absent -1 Nays 0 - Adopted

New Business:

Coun Hewitt asked Supv Spencer if it would be possible to Town CPA Diane Finch to attend an upcoming board meeting, to allow for further training of board members on the different category titles on balance sheet and other topics of interest. Supv. Spencer indicated she would reach out to Diane Finch and schedule something

Coun Walker began to communicate concern regarding a statement / accusation of meddling made by Supv Spencer during the June 19, 2017 Board Meeting. Supv Spencer interrupted and indicated this is not on agenda and would be moving on. Coun Walker continued that when original comment made by Supv Spencer that it was not on the agenda and that she had a right to defend herself and requested Town Attorney be at next meeting. The discussion escalated, at which point Supv. Spencer requested a 5-minute adjournment at 8:19 p.m. and at which time Coun Walker dismissed herself for the remainder of the meeting.

Supv Spencer re-opened meeting at 8:24 p.m.

Supv. Spencer and board had discussion about accessibility to history or live feeds to the cameras utilized at hall by court. Agreement was to follow up with Court Clerk to gain clarity on whom has access and ability for others to also obtain if desired.

**Monthly Audit:** All Town Board Members had the opportunity to audit all vouchers (bills, invoices & statements) submitted for payment and to initial the vouchers for payment (\*Note R #75-16).

**RESOLUTION #71-17**

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that the following claims for payment be approved: General Fund Claims #176-199, in the amount of \$4,551.10, as set forth in General Abstract No. 7, Dated July 17, 2017; Highway Fund Claims #81-99, in the amount of \$40,705.63, as set forth in Highway Abstract No. 7, Dated July 17, 2017; Water Dist #1 Claims #38-42, in the amount of \$3,525.43, as set forth in Water Dist #1 Abstract No. 7, Dated July 17, 2017; Water Dist #2 Claim 6 (7) in the amount of \$30.00, as set forth in Water Dist #2 Abstract No. 7, Dated July 17, 2017.

Spencer, Aye; Fisher, Aye; George, Absent; Hewitt, Aye; Walker, Absent.  
Ayes 3 – Absent -2 Nays 0 - Adopted

With no further business, on a Motion of Coun Fisher, seconded by Coun Hewitt, the meeting was adjourned at 8:28pm. Carried unanimously.

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Fred Clark, Town Clerk